

# EXHIBIT B

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

- - -  
SARA S. ECHEVARRIA, : CASE NO.  
: :  
Plaintiff, : 05-284 (GMS)  
: :  
v. : :  
: :  
U-HAUL INTERNATIONAL, :  
INC., ROGER MAYFIELD, :  
and NATIONWIDE GENERAL :  
INSURANCE COMPANY, :  
: :  
Defendants. :  
- - -

January 24, 2007  
- - -

Oral deposition of FRANK M.  
COSTANZO, held in the offices of Murphy,  
Spadaro & Landon, Suite 210, 1011 Center  
Road, Wilmington, Delaware 19805, beginning  
at 3:03 p.m., on the above date, before  
Shenna M. Basye-Cara, a Professional  
Reporter and a Notary Public in the State of  
Delaware.

- - -  
ESQUIRE DEPOSITION SERVICES  
Suite 760, One Commerce Center  
12th & Orange Streets  
Wilmington, Delaware 19801  
(302) 426-9857

Page 2

## 1 APPEARANCES:

2 MURPHY, SPADARO & LONDON  
 3 BY: ROGER D. LONDON, ESQUIRE  
 4 Suite 210  
 5 1011 Centre Road  
 6 Wilmington, Delaware 19805  
 7 (302) 472-8105  
 8 Representing the Plaintiff

9 QUARLES & BRADY, LLP  
 10 BY: FRANCIS H. LOCOCO, ESQUIRE  
 11 411 East Wisconsin Avenue  
 12 Milwaukee, Wisconsin 53202-4497  
 13 (414) 277-5341  
 14 Representing Defendant U-Haul  
 15 International, Inc.

16 FERRY, JOSEPH & PEARCE, P.A.  
 17 BY: ROBERT K. PEARCE, ESQUIRE  
 18 Suite 904  
 19 824 Market Street Mall  
 20 Wilmington, Delaware 19801  
 21 (302) 575-1555  
 22 Representing Defendant Roger  
 23 Mayfield

24 SHELSBY & LEONI  
 BY: MICHAEL LOGULLO, ESQUIRE  
 221 Main Street  
 Stanton, Delaware 19804  
 (302) 454-7430  
 Representing Defendant Nationwide  
 General Insurance Company

- - -

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1 - - -  
 2 (Exhibits Costanzo-1 and  
 3 Costanzo-2 were marked for  
 4 identification.)  
 5 - - -

6 FRANK M. COSTANZO, after  
 7 having been duly sworn, was examined  
 8 and testified as follows:  
 9 - - -

## 10 EXAMINATION

11 BY MR. LOCOCO:

12 Q. Mr. Costanzo, could you state  
 13 your full name and spell your last name,  
 14 please?

15 A. Francis Costanzo,  
 16 C-O-S-T-A-N-Z-O.

17 Q. And what's your date of birth?

18 A. 1/15/60.

19 Q. What's your business address,  
 20 sir?

21 A. One Phillips Lane,  
 22 P-H-I-L-L-I-P-S Lane, Chester Springs, PA  
 23 19425.  
 24

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## 1 INDEX

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 3 EXAMINATION OF: Frank M. Costanzo  
 4 BY MR. LOCOCO.....4, 82  
 5 BY MR. PEARCE.....79

## 10 EXHIBITS

11 - - -

12 NO. DESCRIPTION PAGE

13 Costanzo-1 Curriculum Vitae 4

14 Costanzo-2 10/20/06 Collision  
 15 Reconstruction Report 4

16 Costanzo-3 1/20/05 Statement of  
 17 S. Echevarria 53

18 Costanzo-4 Copies of Photographs  
 19 of Jetta, Accident Scene & Trailer 65

20 Costanzo-5 Copies of Photographs  
 21 of Exemplar Trailer 65

22 NOTE: Exhibits 3, 4, and 5 were retained by  
 23 the witness and are not attached to the  
 24 transcript.

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1 Q. What business is that?

2 A. Accident Cause &amp; Analysis.

3 Q. Is that your business?

4 A. Yes.

5 Q. Is it incorporated?

6 A. No.

7 Q. Do you have any other  
 8 employees?

9 A. No.

10 Q. And how long have you operated  
 11 Accident Cause & Analysis?

12 A. Fifteen years.

13 Q. Can I call it ACA?

14 A. That's fine.

15 Q. You've given testimony before?

16 A. Yes.

17 Q. How many times have you given  
 18 deposition testimony?

19 A. Total?

20 Q. Yes, sir.

21 A. Probably about 30 times.

22 Q. And have you testified in  
 23 court?

24 A. Yes.

2 (Pages 2 to 5)

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## Frank M. Costanzo

Page 6	Page 8
<p>1 Q. How many times?</p> <p>2 A. I think about 55.</p> <p>3 Q. Have you testified in federal</p> <p>4 court --</p> <p>5 A. Yes.</p> <p>6 Q. -- before?</p> <p>7 A. Yes.</p> <p>8 Q. What federal courts have you</p> <p>9 testified in?</p> <p>10 A. Philadelphia, New Jersey, and</p> <p>11 Ohio.</p> <p>12 Q. Where in New Jersey?</p> <p>13 A. Camden, I think that's where</p> <p>14 the federal court is.</p> <p>15 Q. And how about Ohio, where in</p> <p>16 Ohio?</p> <p>17 A. That's a good question. I</p> <p>18 don't remember where I was in Ohio.</p> <p>19 Q. South, north?</p> <p>20 A. I could get the address for</p> <p>21 you. I'm not sure where it was.</p> <p>22 Q. Was it within the last</p> <p>23 four years?</p> <p>24 A. No.</p>	<p>1 Q. You've already agreed off the</p> <p>2 record, but if you could get that to Mr.</p> <p>3 Landon so he can get it to us, and I'll</p> <p>4 reserve my right to ask some follow-up</p> <p>5 questions once I look at the list.</p> <p>6 And I'm going to ask you in a</p> <p>7 few minutes some general questions about the</p> <p>8 types of cases that you've worked on.</p> <p>9 The other thing that I didn't</p> <p>10 see in looking at that binder of materials</p> <p>11 that we asked for were your billing records</p> <p>12 in this case. Are those in there and I just</p> <p>13 missed it?</p> <p>14 A. It doesn't appear to be in</p> <p>15 here. I certainly can provide that to you.</p> <p>16 I apologize.</p> <p>17 Q. That's fine. Again, if you</p> <p>18 could get that to Mr. Landon so he can get</p> <p>19 it to us, so again, I'll reserve my rights</p> <p>20 to ask some follow-up questions about that.</p> <p>21 Can you tell me, not counting</p> <p>22 today, approximately how much time you've</p> <p>23 spent on this matter?</p> <p>24 A. Timewise, I can't. I think</p>
Page 7	Page 9
<p>1 Q. Don't worry about it, unless I</p> <p>2 follow up with Mr. Landon on it.</p> <p>3 Before convening here today we</p> <p>4 sent a notice around to the parties, and I</p> <p>5 think we sent a subpoena to you as well,</p> <p>6 which included an attachment that was called</p> <p>7 Schedule A that basically asked you to bring</p> <p>8 your whole file with you. Have you done</p> <p>9 that?</p> <p>10 A. The file I have associated</p> <p>11 with this case, yes.</p> <p>12 Q. Is there anything that's been</p> <p>13 -- has anything been removed from your file?</p> <p>14 A. No.</p> <p>15 Q. There are a few other things</p> <p>16 that we asked for in that Schedule A that I</p> <p>17 didn't see here, and I told you before we</p> <p>18 went on the record that I'd ask you about</p> <p>19 it. One is, your Rule 26 list of testimony.</p> <p>20 Do you have such a list?</p> <p>21 A. Yes.</p> <p>22 Q. And that you -- you didn't</p> <p>23 bring with you today, correct?</p> <p>24 A. No, I did not.</p>	<p>1 the total bill is around \$2500 so far.</p> <p>2 Q. And how much do you charge for</p> <p>3 your time?</p> <p>4 A. Two hundred an hour. Now, we</p> <p>5 talked about that.</p> <p>6 Q. I did remember to bring your</p> <p>7 check.</p> <p>8 A. Thank you.</p> <p>9 Q. Yep.</p> <p>10 What does ACA do?</p> <p>11 A. ACA does accident</p> <p>12 investigations, defect investigations. We</p> <p>13 do forensic inspections of vehicles,</p> <p>14 animations. That's about it.</p> <p>15 Q. Is all of your work related to</p> <p>16 investigation of accidents?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And so is all of your</p> <p>19 work either work that's in litigation or</p> <p>20 might lead to litigation?</p> <p>21 A. Yes.</p> <p>22 Q. Have you worked for Mr. Landon</p> <p>23 in the past?</p> <p>24 A. No.</p>

3 (Pages 6 to 9)

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## Frank M. Costanzo

Page 10	Page 12
<p>1 Q. Have you worked for anyone in 2 his firm in the past? 3 A. No. 4 Q. Do you know a lawyer named 5 Rick DiLiberto? 6 A. Yes. 7 Q. Have you worked with him in 8 the past? 9 A. No. Well, have I done a case 10 for him in the past? 11 Q. Sure. 12 A. No. 13 Q. Something tells me I'm missing 14 something in there. 15 A. I guess I missed the -- I did 16 meet with him, and he was the first one who 17 retained me for this case. 18 Q. All right. When did Mr. 19 DiLiberto retain you in this case? 20 A. Prior to the first -- I don't 21 know when that date was. Prior to my 22 association with Mr. Landon. 23 Q. I would have guessed that, 24 because I knew Mr. DiLiberto had the case</p>	<p>1 your first contact with Mr. DiLiberto? 2 A. I think probably about 3 six months prior to that. 4 Q. But your billing records 5 should tell us one way or another? 6 A. I think so, yes. 7 Q. Did Mr. DiLiberto provide you 8 with any materials when he initially 9 retained you? 10 A. No. 11 Q. Did he tell you that he had 12 inspected the trailer shortly after the 13 accident? 14 A. No. 15 Q. Did he provide -- have you 16 been provided with any photographs that he 17 or his expert at the time, or investigator 18 who was with him, took of the trailer? 19 A. Not that I know of, no. 20 Q. Okay. We're going to get to 21 this in your report, but are you aware of 22 Mr. DiLiberto ever sending a letter to 23 U-Haul or to me or to U-Haul's insurance 24 carrier asking or demanding that both the</p>
Page 11	Page 13
<p>1 early on. 2 A. I could probably find out 3 because there was an initial bill sent to 4 Rich. I could research that and find out 5 when the bill was first sent out, but no 6 work was done for him in this case. 7 Q. The date of this incident was 8 May 15, 2004, the Echevarria incident, 9 correct? 10 A. That's correct. 11 Q. Can you give me a ballpark as 12 to how long after May 15, 2004 you were 13 retained? 14 A. I think I was retained back 15 in -- it was probably six months after I met 16 with Mr. DiLiberto that I had initial 17 contact with Mr. Landon. That's just a 18 guess, six months. His contact -- his first 19 contact to me was -- appears to be -- 20 Q. Let me ask that, so we have a 21 clean question. When did Mr. Landon contact 22 you? 23 A. July -- October 23rd, 2006. 24 Q. And how long before that was</p>	<p>1 truck and the trailer be sequestered and 2 preserved? 3 A. No. 4 Q. By the time you were asked to 5 start doing work in this case by Mr. Landon, 6 all you knew is that the trailer and the 7 truck had been released back to service -- 8 A. Yes. 9 Q. -- is that correct? Is that 10 correct? 11 A. Yes. 12 Q. Okay. Since Mr. Landon 13 contacted you, have you spoken with Mr. 14 DiLiberto or anyone at his firm? 15 A. About this case? 16 Q. Yes, sir. 17 A. No. 18 Q. Just a few ground rules. I 19 know you've been through this. Obviously, 20 I'm going to ask you some questions today. 21 I represent the U-Haul entities. If I ask 22 you something that you don't understand, 23 don't answer it. Tell me that you don't 24 understand it and I'll try and ask a better</p>

4 (Pages 10 to 13)

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## Frank M. Costanzo

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<p>1 question. Do you understand that?</p> <p>2 A. Yes.</p> <p>3 Q. Do you understand the oath you</p> <p>4 gave at the beginning of the deposition to</p> <p>5 tell the truth is the same oath you would</p> <p>6 give if you were in a courtroom in front of</p> <p>7 a judge and jury?</p> <p>8 A. Yes.</p> <p>9 Q. If you need to take a break at</p> <p>10 any time, just let me know and we'll do</p> <p>11 that. All right?</p> <p>12 A. Yes.</p> <p>13 Q. Going back to your company for</p> <p>14 a second, any of the work that you described</p> <p>15 to me, do you ever enlist help from other</p> <p>16 professionals?</p> <p>17 A. Yes.</p> <p>18 Q. Who, or what type of</p> <p>19 profession?</p> <p>20 A. My forensic mechanic is an</p> <p>21 individual named Denny Dewane.</p> <p>22 Q. How do you spell Denny's last</p> <p>23 name?</p> <p>24 A. Capital D, little E, W-A-N-E.</p>	<p>1 Q. Has anyone else assisted you</p> <p>2 on your professional work in this case?</p> <p>3 A. No.</p> <p>4 Q. Exhibit-1 is -- you tell us,</p> <p>5 what is that?</p> <p>6 A. It's my curriculum vitae.</p> <p>7 Q. And is it current as of today?</p> <p>8 A. Yes.</p> <p>9 Q. Where do you live, what state?</p> <p>10 A. Pennsylvania.</p> <p>11 Q. Mr. Costanzo, you are not an</p> <p>12 engineer, correct?</p> <p>13 A. No.</p> <p>14 Q. What I said was correct?</p> <p>15 A. Yes, I'm not an engineer.</p> <p>16 Q. Okay. And you're not a design</p> <p>17 engineer?</p> <p>18 A. No.</p> <p>19 Q. You've not attended an</p> <p>20 engineering college, correct?</p> <p>21 A. That's correct.</p> <p>22 Q. Have you ever designed any</p> <p>23 product?</p> <p>24 A. No.</p>
Page 15	Page 17
<p>1 Q. Anyone else?</p> <p>2 A. The animations, I work with</p> <p>3 Dr. George Govatos in Delaware.</p> <p>4 Q. How do you spell Dr. George</p> <p>5 Govatos' name?</p> <p>6 A. Govatos is G-O-V-A-T-O-S.</p> <p>7 Q. Does he have a business or is</p> <p>8 he at a school?</p> <p>9 A. He's another engineer</p> <p>10 consultant.</p> <p>11 Q. What kind of engineer? I</p> <p>12 mean, what's his back -- what's his</p> <p>13 discipline?</p> <p>14 A. He does accident</p> <p>15 reconstruction and he does highway -- he's</p> <p>16 more of a civil engineer.</p> <p>17 Q. Okay. Mr. Dewane does not</p> <p>18 have a college degree; is that correct?</p> <p>19 A. He has a -- I believe he has a</p> <p>20 BA degree from Stroudsburg in business</p> <p>21 management.</p> <p>22 Q. Did you utilize either of</p> <p>23 these consultants in your work in this case?</p> <p>24 A. No.</p>	<p>1 Q. A subset question: Have you</p> <p>2 ever designed a trailer?</p> <p>3 A. No.</p> <p>4 Q. Have you ever worked on the</p> <p>5 design of a trailer?</p> <p>6 A. No.</p> <p>7 Q. Have you ever designed the</p> <p>8 coupler or any other component part of a</p> <p>9 trailer?</p> <p>10 A. No.</p> <p>11 Q. Have you ever designed a</p> <p>12 warning or instruction for a trailer?</p> <p>13 A. No.</p> <p>14 Q. Have you ever served on any</p> <p>15 safety standard committees that write safety</p> <p>16 standards for trailers like the one in this</p> <p>17 case?</p> <p>18 A. No.</p> <p>19 Q. Would you agree with me, Mr.</p> <p>20 Costanzo, that you're not an expert in the</p> <p>21 design of trailers like the U-Haul trailer</p> <p>22 in this case?</p> <p>23 A. That's correct.</p> <p>24 Q. Have you ever rented a U-Haul</p>

5 (Pages 14 to 17)

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<p>1 trailer like the one in this case?</p> <p>2 A. Yes.</p> <p>3 Q. How often have you done that?</p> <p>4 A. Approximately three times.</p> <p>5 Q. Have you done that in</p> <p>6 connection with your work in this case?</p> <p>7 A. No.</p> <p>8 Q. When did you -- when you did</p> <p>9 rent the U-Haul trailers, was that personal</p> <p>10 or part of some case you were working on?</p> <p>11 A. Personal.</p> <p>12 Q. All right. I'll come back to</p> <p>13 that.</p> <p>14 Have you ever worked at a</p> <p>15 U-Haul rental center?</p> <p>16 A. No.</p> <p>17 Q. Have you ever worked at any</p> <p>18 other rental facility or facility who --</p> <p>19 that rented trailers of any kind?</p> <p>20 A. No.</p> <p>21 Q. Have you ever given</p> <p>22 instruction to anyone who was about to rent</p> <p>23 a trailer?</p> <p>24 A. No.</p>	<p>1 A. No.</p> <p>2 Q. When you are retained, do you</p> <p>3 have a sense or maybe even an actual number</p> <p>4 or percentage, plaintiff retention versus</p> <p>5 defendant retention?</p> <p>6 A. Yes.</p> <p>7 Q. What is that?</p> <p>8 A. It's about 60/40 plaintiff.</p> <p>9 Q. Is a substantial part of your</p> <p>10 professional time spent doing accident</p> <p>11 reconstruction?</p> <p>12 A. Yes.</p> <p>13 Q. And when I say accident</p> <p>14 reconstruction, when you hear me ask that,</p> <p>15 what's your definition of accident</p> <p>16 reconstruction?</p> <p>17 A. Accident reconstruction,</p> <p>18 defect investigations, anything related to</p> <p>19 accidents. If it's involved in an accident,</p> <p>20 that's what I classify as an accident</p> <p>21 reconstruction.</p> <p>22 Q. Did you do a reconstruction in</p> <p>23 this case?</p> <p>24 A. No.</p>
Page 19	Page 21
<p>1 Q. I represent four U-Haul</p> <p>2 entities in this case. Are you aware of</p> <p>3 that and of who those entities are?</p> <p>4 A. No.</p> <p>5 Q. Okay. I represent U-Haul</p> <p>6 International, U-Haul Company of Colorado,</p> <p>7 U-Haul Company of Arizona, and U-Haul</p> <p>8 Company of Florida. Do you have any</p> <p>9 understanding of how those four corporate</p> <p>10 entities fit into this case, what -- what</p> <p>11 specific responsibilities each had or didn't</p> <p>12 have?</p> <p>13 A. No.</p> <p>14 Q. Okay. When you use "U-Haul"</p> <p>15 in your report -- and this may be an</p> <p>16 overbroad question. We may have to go to</p> <p>17 the report. But when you use the term</p> <p>18 "U-Haul" in your report, did you have a</p> <p>19 corporate entity in mind?</p> <p>20 A. No.</p> <p>21 Q. The list of cases that you're</p> <p>22 going to send to me, did any of those cases</p> <p>23 involve, at least as part of their facts,</p> <p>24 towing a U-Haul trailer?</p>	<p>1 Q. Let me ask a cleaner question</p> <p>2 since we were saying accident</p> <p>3 reconstruction. Did you do an accident</p> <p>4 reconstruction in this case?</p> <p>5 A. No.</p> <p>6 Q. If you look at Exhibit-2,</p> <p>7 that's your report, correct?</p> <p>8 A. Yes.</p> <p>9 Q. If you look at Section 4.0,</p> <p>10 which starts on page 4, and if you could,</p> <p>11 just read through that section to yourself.</p> <p>12 A. Okay.</p> <p>13 Q. That section is based on the</p> <p>14 facts that you reviewed from the police</p> <p>15 report and their commercial vehicle</p> <p>16 inspection report, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Earlier when I asked you what</p> <p>19 does ACA do, which is, I guess, really you,</p> <p>20 what do you do, you used the term "defect</p> <p>21 investigation." What do you mean by that?</p> <p>22 A. For defect investigations, air</p> <p>23 bag analysis, restraint failures, seat back</p> <p>24 failures, component failures, vehicle</p>

6 (Pages 18 to 21)

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<p style="text-align: right;">Page 22</p> <p>1 failures such as braking failures,  2 tractor-trailer inspections as far as  3 failures associated with tractor-trailers,  4 defects in regards to vehicles' causation,  5 tire forensics.  6 Q. To your knowledge, has an  7 opposing counsel ever challenged your  8 ability to testify in a case?  9 A. No.  10 Q. This may be related to that  11 question, but to your knowledge, have you  12 ever been precluded from testifying in a  13 case?  14 A. No.  15 Q. What were you asked to do in  16 this case?  17 A. I was asked to review the case  18 file information and see if I was able to  19 determine the cause as far as the detachment  20 of the trailer and the tow vehicle, if there  21 was a possible causation to link.  22 Q. Have you formed an opinion as  23 to the cause of the detachment?  24 A. Yes.</p>	<p style="text-align: right;">Page 24</p> <p>1 effect. Correct?  2 A. Well, in general, given this  3 scenario, I believe it's the tongue switch.  4 Q. I know, but I want to go back  5 and try and catalog what the possibilities  6 are first, and then we'll talk about the dog  7 switch. Where did you come up with the term  8 "dog switch"?  9 A. I've always referred to that  10 as the dog switch.  11 Q. Okay. It's not from some  12 U-Haul document?  13 A. No.  14 Q. Okay. What other -- what are  15 the possible explanations for this trailer  16 to become detached from the truck?  17 A. I guess I'll ask you to  18 qualify it. In this case?  19 Q. Yes.  20 A. In this case it can only be  21 the dog switch, in my opinion.  22 Q. Did you offer that opinion in  23 your report? Strike that. Let me withdraw  24 it. I'll ask a different question.</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. What's that opinion?  2 A. The opinion is that the unit  3 that was rented out was defective.  4 Q. In what way?  5 A. In what way?  6 Q. How was it defective?  7 A. How was it defective? The  8 detachment of the tongue from the ball,  9 there's only a couple reasons why that  10 detachment would occur if the unit was  11 functioning properly. More likely, it was  12 defective that -- the dog switch, which is  13 the locking mechanism, the spring-loaded  14 locking mechanism.  15 Q. Anything else?  16 A. Well, that's the focus, is the  17 dog switch. If the dog switch is working  18 properly, then the unit won't detach.  19 Q. Let's go back to -- I want to  20 go back to the -- one of the first things  21 you said. You said the detachment of the  22 tongue from the ball can only happen with  23 certain -- I mean, there's certain possible  24 explanations for that, something to that</p>	<p style="text-align: right;">Page 25</p> <p>1 You did not offer that opinion  2 in this report, correct?  3 MR. LANDON: Objection to the  4 form.  5 THE WITNESS: Possibly --  6 number six. Not specifically listed  7 as the dog switch, but listed as the  8 coupler mechanism, which is part of  9 the dog switch.  10 BY MR. LOCOCO:  11 Q. And then in paragraph 7, you  12 say that: U-Haul's destruction of  13 evidence -- which we're going to get to --  14 including the disposal of the subject  15 trailer coupler mechanism, prevented the  16 writer from identifying the exact nature of  17 the coupler mechanism defect.  18 That was as of October 20th,  19 2006. My question is, when between  20 October 20th, 2006 and today did you form  21 the opinion that it's most likely the dog  22 switch?  23 A. That's included in number six,  24 coupler mechanism. Coupler mechanism --</p>

7 (Pages 22 to 25)

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## Frank M. Costanzo

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<p>1 number six says, rented a defective trailer 2 coupler mechanism. The dog switch is part 3 of the coupler mechanism. 4 Q. Read paragraph 7 where you say 5 you can't identify the exact nature of the 6 coupler mechanism defect. 7 A. Right. 8 Q. Are you now identifying the 9 exact nature of the coupler mechanism 10 defect? 11 MR. LANDON: Objection to the 12 form of the question. 13 THE WITNESS: I know a couple 14 facts about the case. If the 15 coupler mechanism -- if the dog 16 switch is working properly and the 17 hand wheel is tightened down and the 18 dog switch is working correctly, it 19 won't detach. The idea that it did 20 detach can only focus in on certain 21 objects in the coupler mechanism. 22 BY MR. LOCOCO: 23 Q. I'm going to move to strike 24 your answer as being nonresponsive and ask</p>	<p>1 explanations. 2 A. In my opinion, no. 3 Q. Why not? 4 A. The distance he operated the 5 unit after he detached it. 6 Q. Assuming that he never 7 unhooked it and rehooked it after he left 8 North -- you're assuming that he never 9 unhooked it again after he left North 10 Carolina; is that correct? 11 A. Yes. 12 Q. And if that testimony is 13 inaccurate, would you agree that his failure 14 to properly hook up the trailer is another 15 explanation for the detachment in this case? 16 A. It would depend when he 17 detaches the vehicle. 18 Q. Are you still of the opinion 19 that Mr. Mayfield was negligent? 20 A. Yes. 21 Q. Okay. Why was he negligent? 22 A. Well, he did have the ability, 23 whenever the vehicle -- whenever -- whenever 24 the tow unit, as described by Mr. Mayfield,</p>
Page 27	Page 29
<p>1 the court reporter to reread my question, 2 and Mr. Costanzo, I'm going to ask you to 3 answer that question. 4 A. Okay. 5 - - - 6 (The requested notes of testimony were read 7 by the court reporter.) 8 - - - 9 THE WITNESS: My answer would 10 be, with a probability, yes. 11 BY MR. LOCOCO: 12 Q. Which you didn't specifically 13 identify in your report. 14 A. No. 15 Q. Let me go back to explanations 16 for the trailer detaching from the truck. 17 An explanation is that Mr. 18 Mayfield didn't properly attach the trailer 19 to the truck when he reattached the trailer. 20 Correct? 21 A. I don't find that as a viable 22 explanation. 23 Q. Well, I want to just know 24 whether that's in the catalog of possible</p>	<p>1 was loosening, he did have the opportunity 2 of just not using the vehicle. 3 Q. Anything else? 4 A. No. 5 Q. Let's talk about other things 6 Mr. Mayfield could have done that he didn't 7 do. He could have gotten the unit fixed or 8 replaced, correct? 9 A. That's correct. 10 Q. And that would have prevented 11 this incident, even if you're right about 12 the defect and the coupler. Correct? 13 A. Correct. 14 Q. He could have properly 15 attached the safety chains, correct? 16 A. I believe the safety chains 17 were properly attached. 18 Q. If they were properly 19 attached, this incident wouldn't have 20 happened. Agreed? 21 A. Connected properly, yes. If 22 they were -- if the breakaway chains held 23 tight, then the unit wouldn't have broke 24 free. That's true.</p>

8 (Pages 26 to 29)

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<p>1 Q. And do you understand that the 2 design of the safety chains is to make sure 3 that you don't get a detachment if the 4 coupler comes off the ball? 5 A. That's correct. 6 Q. All right. So he failed to 7 properly attach the safety chains, correct? 8 A. That's correct. 9 Q. And if he had done that, we 10 wouldn't have had this incident. Correct? 11 A. Correct. 12 Q. He failed to properly attach 13 the emergency brake chain, correct? 14 A. The emergency brake chain 15 activated in the accident. 16 Q. And came loose. 17 A. It activated in the accident, 18 so it was attached properly. 19 Q. And then detached. Didn't it 20 detach? 21 A. You're talking about the brake 22 chain? 23 Q. Yes, sir. 24 A. The brake chain was activated,</p>	<p>1 and the safety chains properly attached. Do 2 you recall reading that testimony? 3 A. Yes. 4 Q. Mr. Mayfield said -- testified 5 that he thought the coupler began to loosen 6 almost immediately after he left U-Haul Co. 7 of Florida's facility. Do you recall 8 reading that? 9 A. Yes. 10 Q. Who are you choosing to 11 believe? 12 A. Mr. Mayfield. 13 MR. LANDON: Objection. 14 BY MR. LOCOCO: 15 Q. Why? Why are you believing 16 Mr. Mayfield -- why are you crediting Mr. 17 Mayfield's testimony and not Mr. Rarick's 18 testimony on that issue? 19 A. Don't really have an opinion 20 on that. 21 Q. Aren't you -- I'm sorry. 22 A. I just believe what Mr. 23 Mayfield is saying. 24 Q. Is your -- isn't it your role</p>
Page 31	Page 33
<p>1 so it doesn't matter whether it's detached 2 or not. The breakaway chains -- it was 3 attached to one of the breakaway chains. 4 Q. And how do you know it was 5 attached to one of the breakaway chains? 6 A. As he was describing in his 7 deposition. 8 Q. Did you, in your work in this 9 case, decide to accept the truthfulness and 10 veracity of everything Mr. Mayfield 11 testified to? 12 A. That's kind of a broad 13 question. I accepted the facts that he 14 presented in his deposition. I don't recall 15 every fact that he presented. We could 16 certainly discuss it. 17 Q. Do you agree that the 18 testimony of Mr. Rarick and Mr. Mayfield are 19 in conflict? 20 A. Yes. 21 Q. For example, Mr. Rarick 22 testified that the trailer would not have 23 left U-Haul premises, U-Haul Florida 24 premises, without it being securely fastened</p>	<p>1 in this case to be an independent expert 2 witness? 3 A. Yes. 4 Q. You read Mr. Leonard's report, 5 correct? 6 A. Yes. 7 Q. Do you agree or disagree with 8 his observation that the coupler shows that 9 it was completely -- almost completely 10 backed off at the time of the accident, not 11 tightened down at all? 12 A. Now, can you show me where in 13 his report he states it? 14 Q. Sure. Well, you've got it 15 there. Let me find it. 16 Paragraph 4 on page 5 of his 17 report, it says: Postaccident photographs 18 show that the coupler hand wheel was in the 19 fully loosened position when it was on the 20 flatbed truck. The hand wheel nut was in 21 close proximity to or contacting the coupler 22 bolt roll pin. 23 Do you disagree with that? 24 A. Yes. I don't know how he sees</p>

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<p>1 that by a photograph.  2 Are you looking for case  3 files?  4 Q. I'm looking for the  5 photographs.  6 A. There you are.  7 Q. Let me show you UHI -- Bates  8 number UHI 84. The bottom photograph, which  9 is photograph 10, do you see that nut on the  10 coupler is -- how did he put it -- the  11 coupler hand wheel was in the fully loosened  12 position when it was on the flatbed truck.  13 The hand wheel nut was in close proximity to  14 or contacting the coupler bolt roll pin.  15 Do you see that in this  16 photograph I'm showing you, photo 10 on UHI  17 84?  18 A. No. I see a damaged hand  19 wheel.  20 Q. Do you know what the roll pin  21 is that he's talking about in his report?  22 A. Yes.  23 Q. Where is it?  24 A. He's talking about the coupler</p>	<p>1 Q. This?  2 A. Yes.  3 Q. I'm going to put a B on that.  4 A. Okay.  5 Q. And do you see the roll pin  6 that he's talking about?  7 A. No.  8 Q. Do you see that, that I'm  9 pointing to (indicating)?  10 A. Actually, no, to be honest  11 with you.  12 Q. Have you looked at any  13 exemplar trailer in your work in this case?  14 A. Yes.  15 Q. Do you have pictures of that?  16 A. Yes.  17 Q. Let me see those. Where was  18 this exemplar that you looked at?  19 A. Exton, Pennsylvania.  20 Q. Do you see the coupler, the  21 nut?  22 A. Yes.  23 Q. The bolt?  24 A. Yes.</p>
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<p>1 hand wheel towards -- that couples down on  2 the -- there's the dog pin. I guess he's  3 talking about the dog pin, the locking pin.  4 Q. He's not.  5 A. Okay.  6 Q. Let me go back to his report.  7 All right. He first talks about the hand  8 wheel nut. Do you know what that is?  9 A. Yes (indicating).  10 Q. And you just pointed to that  11 on this photograph.  12 A. That's the hand wheel.  13 Q. I'm going to put an X on it.  14 A. Okay.  15 Q. The hand wheel nut was in  16 close proximity to or contacting the coupler  17 bolt roll pin. Do you know what the coupler  18 bolt is?  19 A. Yes. I don't see --  20 Q. Where is that?  21 A. What?  22 Q. Where is the coupler bolt?  23 A. Coupler bolt is the piece that  24 goes in (indicating)...</p>	<p>1 Q. Do you see the roll pin?  2 A. Yes.  3 Q. Where is the roll pin?  4 A. I don't see it in the  5 photograph on the one you just showed me.  6 It's the piece that locks in -- the dog  7 switch locks in --  8 Q. They call -- U-Haul calls that  9 a locking tab.  10 A. All right.  11 Q. I want to ask you about the  12 roll -- do you know what a roll pin is?  13 A. I don't see the roll pin.  14 Q. Do you know what a roll pin  15 is?  16 A. No.  17 Q. Okay. Mr. Costanzo, would you  18 agree you're not an expert in the design of  19 this coupler mechanism?  20 A. In this type of coupler  21 mechanism, no.  22 Q. All right.  23 A. I understand the functions of  24 this coupler mechanism.</p>

10 (Pages 34 to 37)

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<p>1 Q. Other than the three times 2 that you've rented a U-Haul trailer, do you 3 have any other experience with a U-Haul 4 coupler mechanism?</p> <p>5 A. No.</p> <p>6 Q. When was the last time you 7 rented a U-Haul trailer?</p> <p>8 A. Probably about five years ago.</p> <p>9 Q. Where did you rent it from?</p> <p>10 A. Route 1 and 3 in Upper Darby, 11 Pennsylvania.</p> <p>12 Q. Was that a facility that had a 13 big U-Haul sign on it, U-Haul center, or was 14 it like a gas station?</p> <p>15 A. It's a U-Haul center.</p> <p>16 Q. All right. What kind of 17 trailer did you rent?</p> <p>18 A. I don't recall. It was 19 similar to this. I attached it to my Dodge 20 Dakota.</p> <p>21 Q. Did it have surge brakes?</p> <p>22 A. Yes. It was a 2-inch -- it 23 attached to my receiver. I had to rent a 24 receiver, a 2-inch receiver with a 2-inch</p>	<p>1 Q. You told me the last time you 2 personally rented a U-Haul trailer was about 3 five years ago. How long before that did 4 you rent one?</p> <p>5 A. Oh, I don't recall.</p> <p>6 Q. Years?</p> <p>7 A. Years.</p> <p>8 Q. You said that you've now 9 formed the opinion that the -- you call it a 10 dog switch, I think, in your report -- let 11 me look at Leonard's report one more time.</p> <p>12 A. You can just take it out.</p> <p>13 Q. I'll pull it up on my 14 computer.</p> <p>15 All right. U-Haul calls that 16 -- Mr. Leonard calls that a latch tang. 17 You've told me that you've now formed the 18 opinion that the latch tang was defective. 19 What's your basis for that opinion?</p> <p>20 A. I list the causations -- I 21 know for a fact if the latch pin -- is that 22 how he refers to it?</p> <p>23 Q. Latch tang.</p> <p>24 A. Latch tang. If the latch tang</p>
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<p>1 ball that was connected to my Dodge Dakota.</p> <p>2 Q. And what did you use it for?</p> <p>3 A. Transportation.</p> <p>4 Q. Did you have any trouble with 5 it?</p> <p>6 A. No.</p> <p>7 Q. How long did you rent it?</p> <p>8 A. A day.</p> <p>9 Q. Did you have to unhook it and 10 rehook it -- or strike that. Did you unhook 11 it and reattach it?</p> <p>12 A. No.</p> <p>13 Q. Have you ever attached a 14 U-Haul trailer?</p> <p>15 A. No.</p> <p>16 Q. When you did your inspection 17 of the exemplar, when did you do that in 18 this case?</p> <p>19 A. During the course of the 20 preparation of the report.</p> <p>21 Q. Did you operate that coupler 22 mechanism at all onto a ball, off a ball 23 while you did your inspection?</p> <p>24 A. No.</p>	<p>1 was functioning properly, tightened down, 2 it's grooved; it would stop it from 3 reversing and loosening.</p> <p>4 Q. Assuming the hand wheel is 5 tightened down to begin with, correct?</p> <p>6 A. Correct. If it's tightened 7 all the way down, it would prevent the hand 8 wheel from counterclockwising (sic) and 9 loosening up.</p> <p>10 Q. Okay. Any other bases that 11 you have for your claim that the latch tang 12 was defective?</p> <p>13 A. Just the function -- just the 14 knowledge of its function and the knowledge 15 of how this unit separated.</p> <p>16 Q. What you're telling me is, 17 because of the detachment, that's the basis 18 for you saying the latch tang was defective. 19 Correct?</p> <p>20 A. Yes. There's two reasons why 21 this trailer would detach itself, human 22 error, if this wasn't placed on it properly, 23 or if it was placed on properly and 24 tightened down correctly and it did, in</p>

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<p>1 fact, loosen and separate, it is that  2 locking pin, or what I call a dog switch.  3 That was the defective component in the  4 coupler mechanism.  5 Q. And what specifically was  6 defective in it?  7 A. Well, those lock -- those  8 latching -- I call it dog switches. I'm  9 sorry.  10 Q. That's fine.  11 A. Those dog switches get bent,  12 and they're grooved, and as they get older,  13 they may not lock into place and let the  14 wheel kind of counterclockwise rotate. And  15 if it doesn't lock in place, the torquing of  16 the unit will counterclockwise rotate and  17 loosen it. Mr. Mayfield said it was  18 constantly kind of getting loose and he  19 would try to tighten it down with the hand  20 wheel, it would get loose again. That  21 explanation shows me that there's a problem  22 with that latch pin and the dog switch,  23 because if it's working properly, there will  24 be no -- it wouldn't be necessary to keep</p>	<p>1 rented this. Do you have any opinions,  2 negative opinions, regarding U-Haul Co. of  3 Arizona? And I will tell you, I think they  4 owned the truck.  5 A. They owned the truck?  6 Q. Yes, sir.  7 A. No.  8 Q. All right. Do you have any  9 opinions critical of U-Haul Co. of Colorado?  10 A. What is their function?  11 Q. I believe that the record -- I  12 don't even know if the record establishes  13 this yet, that the trailer was titled to  14 U-Haul Co. of Colorado. I mean, it was  15 licensed in Colorado. That's their --  16 that's why they got sued. Do you have any  17 opinions critical of U-Haul Co. of Colorado?  18 A. That owned the trailer?  19 Q. Yes.  20 A. No.  21 Q. And then U-Haul International  22 has been sued as well. They designed the  23 trailer. And you just told me you don't  24 have a criticism of the design of the</p>
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<p>1 tightening it down. It would just lock in  2 place.  3 Q. But what wasn't operating  4 properly in the latch tang?  5 A. That I don't know.  6 Q. So if I understand your  7 testimony, you're critical of the people at  8 U-Haul Florida for letting this trailer go  9 out, assuming the latch tang was not  10 properly functioning -- just -- we obviously  11 disagree about that, but let's just assume  12 that for purposes of my question. That  13 is -- because of that, you're critical of  14 the people at U-Haul in Florida renting this  15 trailer to Mr. Mayfield. Is that correct?  16 A. Yes.  17 Q. You're not here to provide  18 some opinion that the design itself or the  19 design of this coupler is defective; is that  20 correct?  21 A. That's correct.  22 Q. All right. Do you have any --  23 we talked about you -- that issue with  24 respect to U-Haul of Florida, the people who</p>	<p>1 trailer, correct?  2 A. Correct.  3 Q. All right. So your criticisms  4 are focused on the people down in Florida.  5 A. Yes.  6 Q. All right. Have you ever  7 worked on another case -- this is overbroad,  8 but I'll put it this way anyway -- like this  9 one, similar to this one?  10 A. Yes.  11 Q. Not involving a U-Haul  12 trailer?  13 A. Yes.  14 Q. Okay. When was that?  15 A. I used to do the crash  16 investigations for Jayco and Jevic in  17 Elkhart, Indiana.  18 Q. And Jayco and Jevic rent  19 trailers?  20 A. Rent all kinds of things.  21 Trailers, mobile homes, yes.  22 Q. Okay. So did you ever work on  23 a case involving one of their trailers that  24 you believe is similar to this case?</p>

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<p>1 A. Similar as in the size?</p> <p>2 Q. No. Similar as to the trailer</p> <p>3 became detached from the tow vehicle and hit</p> <p>4 another vehicle.</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Either of those types</p> <p>7 of trailers use this kind of coupler</p> <p>8 mechanism?</p> <p>9 A. No.</p> <p>10 Q. Have you ever worked on any</p> <p>11 cases that you consider to be similar, with</p> <p>12 a similar coupler mechanism?</p> <p>13 A. No.</p> <p>14 Q. And I think you answered this.</p> <p>15 If you didn't -- if you did, I apologize.</p> <p>16 This is the first case you've worked on</p> <p>17 involving a U-Haul coupler mechanism?</p> <p>18 A. Yes.</p> <p>19 Q. Did you inspect the Jetta?</p> <p>20 A. The Jetta?</p> <p>21 Q. That Ms. Echevarria was</p> <p>22 driving.</p> <p>23 A. No. It was not available.</p> <p>24 Q. Did you ask to inspect it?</p>	<p>1 Q. Okay. Let me ask you about</p> <p>2 paragraph 5 on page 5. He writes:</p> <p>3 Photographs show markings at the base of the</p> <p>4 hand wheel made by the latch tang.</p> <p>5 First of all, did you observe</p> <p>6 those markings?</p> <p>7 A. I saw markings, yes.</p> <p>8 Q. He says: These markings are</p> <p>9 at a uniform height and indicate that the</p> <p>10 hand wheel latch and coupler spring were</p> <p>11 operational and undamaged. The height of</p> <p>12 the markings was also consistent with that</p> <p>13 of a coupler with new components.</p> <p>14 Do you disagree with any of</p> <p>15 that?</p> <p>16 A. I don't share his opinion. I</p> <p>17 think he's -- I don't see how he gets those</p> <p>18 observations in regards to the photographs</p> <p>19 that were provided.</p> <p>20 Q. So you disagree with what he</p> <p>21 says in paragraph 5, correct?</p> <p>22 A. I agree with the first</p> <p>23 sentence, he sees markings. The photographs</p> <p>24 do show markings on the base of the hand</p>
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<p>1 A. Yes. I was told it was</p> <p>2 salvaged.</p> <p>3 Q. Okay. Who told you that?</p> <p>4 A. I think I was contacted by --</p> <p>5 that's a good question. I think someone</p> <p>6 from Mr. DiLiberto's office, I was contacted</p> <p>7 by.</p> <p>8 Q. Can you go to page 5 of Mr.</p> <p>9 Leonard's report. And just so -- for the</p> <p>10 record, you have reviewed that report,</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. Mr. Landon sent it to you,</p> <p>14 asked you to review it and give him a call,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did you call him about it?</p> <p>18 A. Yes.</p> <p>19 Q. What did you all discuss with</p> <p>20 respect to Mr. Leonard's report?</p> <p>21 A. Conclusions, observations.</p> <p>22 Q. What specifically?</p> <p>23 A. Specifically, I don't recall</p> <p>24 the conversation.</p>	<p>1 wheel made by a latch tang. As far as the</p> <p>2 other section, I don't share those</p> <p>3 observations. I don't see how he gets that</p> <p>4 from a photograph.</p> <p>5 Q. Are they uniform -- are the</p> <p>6 markings at a uniform height?</p> <p>7 A. I don't see how he gets that</p> <p>8 from a photograph.</p> <p>9 Q. I'm asking you.</p> <p>10 A. I don't know.</p> <p>11 Q. Okay. Would you -- the last</p> <p>12 sentence there I want to focus on for a</p> <p>13 second, in paragraph 5. Would you agree</p> <p>14 with me, Mr. Costanzo, that you don't have</p> <p>15 the experience to know whether the height of</p> <p>16 the markings is consistent with that of a</p> <p>17 coupler with new components?</p> <p>18 MR. LANDON: Objection to the</p> <p>19 form.</p> <p>20 BY MR. LOCOCO:</p> <p>21 Q. Agreed?</p> <p>22 A. Can I answer?</p> <p>23 Q. Sure.</p> <p>24 A. No.</p>

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<p>1 Q. What I said was correct?</p> <p>2 A. I don't have the experience,</p> <p>3 yes, with that particular coupler mechanism.</p> <p>4 Q. Even assuming that this</p> <p>5 coupler started to back off or loosen up</p> <p>6 after a short -- after -- shortly after Mr.</p> <p>7 Mayfield left the Florida rental facility,</p> <p>8 you agree that no one at U-Haul in Florida</p> <p>9 could fix that problem unless Mr. Mayfield</p> <p>10 reported it?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. I want to go back to</p> <p>13 your report, Exhibit-2. If you go to page</p> <p>14 3, please, I want to go through your section</p> <p>15 3.0, Activities of Objective, and I just</p> <p>16 have a few questions here.</p> <p>17 Paragraph 2, you say, a</p> <p>18 complete site inspection on October 18,</p> <p>19 2006 -- that was the day you went to the</p> <p>20 scene of the accident?</p> <p>21 A. Uh-huh, yes.</p> <p>22 Q. And then you go on to say, and</p> <p>23 the inspection of an International Navistar</p> <p>24 owned by U-Haul on October 18, 2006.</p>	<p>1 exemplary International Navistar owned by</p> <p>2 U-Haul.</p> <p>3 Q. Okay. So on October 18, 2006</p> <p>4 you did an inspection of the accident scene,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. And then you also -- that's</p> <p>8 the day you went to the U-Haul facility and</p> <p>9 took the pictures that we looked at earlier</p> <p>10 of the U-Haul trailer.</p> <p>11 A. Yes. I didn't personally</p> <p>12 inspect any of the units involved in this</p> <p>13 accident.</p> <p>14 Q. Okay. But the -- so that</p> <p>15 paragraph 2 is meant to tell me that you</p> <p>16 also inspected an exemplar trailer.</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Then you list the three</p> <p>19 depositions that you reviewed. Were you</p> <p>20 provided complete copies of those</p> <p>21 depositions?</p> <p>22 A. Yes.</p> <p>23 Q. Were you provided any other</p> <p>24 depositions in the case?</p>
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<p>1 What do you mean by that?</p> <p>2 A. Partial inspection, it really</p> <p>3 should read. I saw an International -- the</p> <p>4 same time I saw the trailer unit, I saw the</p> <p>5 International Harvester at the same</p> <p>6 location.</p> <p>7 Q. You saw a U-Haul truck or the</p> <p>8 U-Haul truck?</p> <p>9 A. No, a. An exemplar, it should</p> <p>10 be. An International Navistar. I was more</p> <p>11 focusing on the tow hitch on it.</p> <p>12 Q. But was it coincidental that</p> <p>13 that U-Haul truck was there?</p> <p>14 A. That I don't know. I don't</p> <p>15 know that answer.</p> <p>16 Q. Well, where did you see this</p> <p>17 truck? Was the truck at the scene?</p> <p>18 A. I guess I'm a little confused.</p> <p>19 Q. I'm confused by what you wrote</p> <p>20 here.</p> <p>21 A. Okay, sorry. I showed you</p> <p>22 photographs of the exemplary trailer.</p> <p>23 Q. Yes.</p> <p>24 A. At the same time I saw an</p>	<p>1 A. Just those three.</p> <p>2 Q. Were you told that the two</p> <p>3 eyewitnesses were deposed?</p> <p>4 A. I didn't have knowledge of</p> <p>5 that, no.</p> <p>6 Q. Okay. You say you reviewed</p> <p>7 Ms. Sara Echevarria's statement taken on</p> <p>8 1/20/05. Do you have that with you?</p> <p>9 MR. LOCOCO: Off the record.</p> <p>10 - - -</p> <p>11 (Discussion held off the record.)</p> <p>12 - - -</p> <p>13 MR. LOCOCO: Let's mark that</p> <p>14 as 3.</p> <p>15 - - -</p> <p>16 (Exhibit Costanzo-3 was marked</p> <p>17 for identification.)</p> <p>18 - - -</p> <p>19 BY MR. LOCOCO:</p> <p>20 Q. We've marked that statement as</p> <p>21 Exhibit-3, correct?</p> <p>22 A. Yes.</p> <p>23 Q. If you go to page 4 of your</p> <p>24 report, then, paragraph 9 says: Review of</p>

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<p>1 engineering reference texts for the 2 applicable engineering principles. 3 What did you review there? 4 A. Oh, that's a kind of... 5 Q. Is that boilerplate? 6 A. Yes. 7 Q. Okay. Did you review anything 8 specific for this case? 9 A. Nothing that would be 10 applicable in this case, no. 11 Q. Okay. Have you ever rented a 12 U-Haul truck? 13 A. No, not to my knowledge. Oh, 14 I take that back. Yes. 15 Q. When? 16 A. Quite a few years ago. Over 17 10 years ago. 18 Q. Did you pull a trailer with 19 it? 20 A. No. 21 Q. Was it smaller than the 22 International involved in this case? 23 A. I believe it was same size. 24 Q. Okay. On page 13 of your</p>	<p>1 Q. You didn't test it at all? 2 A. No. 3 Q. On page 17, second paragraph, 4 you write: During the routine six-point 5 inspection conducted by U-Haul prior to 6 rental of this unit to Mr. Mayfield, the 7 components of the trailer's coupler were not 8 properly inspected. 9 What's your basis for saying 10 that? 11 A. Well, if they were properly 12 inspected, and that is based on Mr. 13 Mayfield's statement more than anything, if 14 it was properly inspected, it wouldn't 15 loosen in the short period of time after he 16 left the -- initially left the U-Haul place 17 in Florida. 18 Q. So there you're taking his 19 testimony at face value that it actually did 20 loosen? 21 A. Yes. 22 Q. Does it make sense to you that 23 if that, in fact, were the case, he didn't 24 turn around and go back and have them check</p>
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<p>1 report, you say, at the very top: Based on 2 the writer's field investigation, there was 3 insufficient space next to the center ball 4 to place and successfully use an additional 5 size-towing ball as suggested in testimony 6 from Mr. Todd Rarick. 7 Did you test that? Did you 8 take another hitch ball and try and put it 9 in there? 10 A. It's very visual that you 11 wouldn't be able to. First of all, from 12 what I viewed, the 2-inch ball is welded 13 onto the frame, so to be able to use another 14 size tow ball, a smaller tow or a larger 15 tow, you'd have to go next to it since the 16 -- since the 2-inch is bolted. You wouldn't 17 be able to use a tongue -- a tongue wouldn't 18 place over -- if the center ball was still 19 there and you wanted to use another one next 20 to it, it wouldn't fit over it. 21 Q. And that's just based on a 22 visual, an eyeballing by you? 23 A. I know it couldn't fit. Yes, 24 that's a visual.</p>	<p>1 it immediately? 2 MR. LANDON: Objection. 3 THE WITNESS: That's something 4 you'd have to ask Mr. Mayfield. 5 BY MR. LOCOCO: 6 Q. Wouldn't that -- doesn't that 7 strike you as a common sense thing to do? 8 A. I have no opinion on that. He 9 may have thought it was something he would 10 be able to resolve and fix himself. 11 Q. Well, then he's responsible. 12 Agreed? 13 MR. LANDON: Objection. 14 THE WITNESS: Partially 15 responsible. I think we already 16 went over that. 17 BY MR. LOCOCO: 18 Q. Okay. You would have -- I 19 mean, he should have turned around and gone 20 back before he left on his trip -- 21 MR. LANDON: Objection. 22 MR. LOCOCO: -- if what he 23 reports is true. 24 MR. LANDON: Objection.</p>

15 (Pages 54 to 57)

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<p>1 BY MR. LOCOCO:  2 Q. Correct?  3 A. Since it was such a  4 long-distance tow, I would think he would  5 try to get it resolved somewhere before  6 he -- I think he stopped in North Carolina.  7 Stopped somewhere, Atlanta. Get the problem  8 resolved before the long-distance tow took  9 place.  10 Q. You'd agree it's pretty easy  11 to find a U-Haul dealer or a U-Haul center?  12 A. Yes.  13 Q. You then go on in that same  14 paragraph to say: Nor was Mr. Mayfield  15 given the proper instructions regarding the  16 attachment and proper use of the trailer  17 during his cross-country towing of this  18 trailer.  19 What's your basis for that?  20 His testimony?  21 A. Not just his testimony. Some  22 of the statements that the representative  23 from Florida made.  24 Q. Rarick?</p>	<p>1 Q. You've never seen a U-Haul  2 trailer attached to a U-Haul truck by a  3 U-Haul person, correct?  4 A. Correct.  5 Q. Are you testifying that the  6 manner described by Mr. Rarick for attaching  7 the safety chains on the U-Haul trailer to  8 the U-Haul truck is wrong?  9 A. It's contradictory to what I  10 know, my knowledge.  11 Q. It's not consistent with your  12 knowledge of what?  13 A. Placement of the breakaway  14 chains in regards to the hitch.  15 Q. With respect to what kind of  16 trailer and what kind of truck?  17 A. Not in regards to U-Haul. I'm  18 speaking from experience and my knowledge  19 with Jayco trailers, and the breakaway  20 chains were always attached close to the  21 tongue bar where the holes are.  22 Q. Was there anything wrong in  23 the way Mr. Rarick described the proper  24 hookup? In other words, would that have</p>
Page 59	Page 61
<p>1 A. Rarick made, I find unusual in  2 my experience with towing as far as the  3 location of the breakaway chains. And they  4 definitely differ, Mr. Mayfield's opinion  5 and the instructions that U-Haul said they  6 gave him. Some of the instructions they  7 said that they gave Mr. Mayfield are  8 contradictory to my knowledge of towing as  9 far as the location of the breakaway chains.  10 Q. Like what?  11 A. Well, my knowledge is, the  12 holes next to the tongue ball -- or the --  13 the tow bar, that tow, that's used to attach  14 the breakaway chains. Cross -- they're  15 supposed to cross, like they were explained.  16 My knowledge is, you always attach them to  17 that, and that's not the explanation that  18 they gave in U-Haul. I find that unusual.  19 My experience is, it's always attached to  20 the holes next to the tongue ball.  21 Q. Well, I want to be clear.  22 You've never attached a U-Haul trailer to a  23 U-Haul truck, correct?  24 A. No, I have not.</p>	<p>1 worked just fine if those instructions had  2 been followed?  3 A. Yes.  4 Q. It would have worked fine?  5 A. If it was superior to the  6 undercarriage somewhere that had an  7 attachment, yes.  8 Q. As part of your work in this  9 case, have you looked at the undercarriage  10 of a Navistar U-Haul truck to see what is  11 available for running the safety chains?  12 A. No.  13 Q. Is there anything else on the  14 coupler mechanism that you believe didn't  15 function properly at and before this  16 accident, other than the latch tang?  17 A. No.  18 MR. LOCOCO: Let's go off the  19 record.  20 - - -  21 (A short break was taken.)  22 - - -  23 BY MR. LOCOCO:  24 Q. While we were off, I looked</p>

16 (Pages 58 to 61)

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<p>1 through the rest of your file here. I 2 pulled out a couple of things that I want to 3 ask you about, but I want to read into the 4 record the rest of what's in your file so 5 that I have a record of it later, and I also 6 have a few questions from here. 7 There's a July 28, 2006 letter 8 from Mr. Landon to you; there's some driving 9 directions in your office to upper Pike 10 Creek in Newark, Delaware; there's a 11 December 27, 2006 transmittal letter from 12 Mr. Landon, which sends along Mr. Leonard's 13 report; there is U-Haul equipment guide 14 information that you pulled off the 15 Internet, as well as a U-Haul location 16 finder that you pulled off the Internet; 17 you've got the accident report, which was 18 highlighted; you've got some photographs of 19 Mrs. Echevarria's injuries; you've got 20 photographs that were produced by my clients 21 as part of discovery; you have a copy of the 22 Complaint in this case; you have a letter 23 dated August 11, 2006 from Mr. Landon to 24 you, passing on the transcripts of Mr.</p>	<p>1 then also, as part of that August 11 letter 2 from Mr. Landon, he sends along what he says 3 in his letter are lawsuits and police 4 reports regarding other trailer detachments 5 received in discovery in this case, and that 6 makes up tabs 1 through 20 in your binder 7 here. Did you review those materials? 8 A. I cursorily read them. 9 Q. Any relevance to your opinions 10 in this case? 11 A. No. 12 Q. You then have a copy of the 13 U-Haul renter vehicle user instructions and 14 the trailer user instructions, correct? 15 A. Correct. 16 Q. Where did you get those from? 17 A. I downloaded them. 18 Q. Okay. And that's 19 everything -- other than some photographs 20 I'm going to ask you about, that's 21 everything that you've either been provided 22 or that you've prepared in connection with 23 this case? 24 A. I brought my whole file.</p>
Page 63	Page 65
<p>1 Mayfield and Mr. Rarick. 2 If you remember, that first 3 letter I cited to you was July 28, '06, 4 okay? So if we go with July 28, '06, you 5 were at least working for Mr. Landon by 6 then. I thought you had said to me earlier 7 that it wasn't until October of '06. It was 8 actually much earlier in '06 that Mr. Landon 9 called you? 10 A. That -- that's fine. Whatever 11 is the correct date. 12 Q. Whatever that date is, we go 13 six months further back to when Mr. 14 DiLiberto called you. 15 A. I believe so. I didn't mean 16 to mislead you. I just wasn't sure of the 17 date. 18 Q. And I wasn't saying that. 19 A. Okay. 20 Q. You have a copy of the 21 plaintiff's deposition, and that was sent to 22 you with a transmittal letter of October 23, 23 '06, a copy of Mr. Mayfield's testimony, and 24 a copy of Mr. Rarick's testimony. There is</p>	<p>1 That's everything. 2 Q. Is there anything that you 3 asked for that Mr. Landon said, no way, I'm 4 not sending that to you? 5 A. No. 6 Yeah, more money. No. 7 Q. Yeah, right. Is there 8 anything that you asked to do that Mr. 9 Landon said, no, you can't do that? 10 A. No. 11 Q. Is there anything that Mr. 12 Landon asked you to do that you said, no, I 13 can't do that, or I'm not able to do that? 14 A. No. 15 MR. LOCOCO: Okay. I pulled 16 out -- let's mark these, if we can. 17 - - - 18 (Exhibits Costanzo-4 and 19 Costanzo-5 were marked for 20 identification.) 21 - - - 22 BY MR. LOCOCO: 23 Q. First, let me show you what I 24 had marked as Exhibit-5. Are these the</p>

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<p style="text-align: right;">Page 66</p> <p>1 photographs that you took while you were at 2 the U-Haul center, inspecting an exemplar 3 trailer? 4 A. Yes. 5 Q. Did you check in with anyone 6 when you were there? 7 A. I just asked permission to 8 photograph them. 9 Q. Do you remember who you talked 10 to? 11 A. No. 12 Q. What did you tell that person 13 about who you were, if anything? 14 A. Yeah, I just asked them, I was 15 interested in photographing a trailer, and 16 they were very nice and said go ahead. 17 Q. Did they ask why? 18 A. No, they didn't. 19 Q. Okay. Exhibit-4 is a packet 20 of photographs. My first question is, who 21 did you get those photographs from? 22 A. I got all my information from 23 Mr. Landon's office. 24 Q. Okay. Do you know -- let me</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Do you know if Mr. DiLiberto 2 took these photographs? 3 A. No, I do not know. 4 Q. Okay. If we look at the 5 photograph that I put the X on, do you see 6 that roll pin next to or contacting the nut? 7 A. Yes, now I do see it. 8 Q. Okay. 9 A. It's a better photograph than 10 the one... 11 Q. So can we now agree -- can you 12 now agree with Mr. Leonard that postaccident 13 photographs show that the coupler hand wheel 14 was in the fully loosened position when it 15 was on the flatbed truck? 16 A. The hand wheel is fully 17 loosened? The hand wheel looks damaged to 18 me. I don't know. 19 Q. The hand -- 20 A. Okay. Sorry. 21 Q. Let me go backwards. Can you 22 agree with Mr. Leonard that the hand wheel 23 nut is in close proximity to or contacting 24 the coupler bolt roll pin?</p>
<p style="text-align: right;">Page 67</p> <p>1 just go through the first -- let me count 2 them. The first 13 pages are photographs of 3 the Jetta that appear to have been taken at 4 a junkyard. Do you know who took these 5 photographs? 6 A. No. 7 Q. The next section of 8 photographs appear to be right from the 9 scene at the time of the accident. Do you 10 know who took these photographs? 11 A. No. 12 Q. And the last section of 13 photographs, and I'm going to start that 14 last section with an X on the bottom of the 15 page, are of the trailer. It looks like 16 it's while it's on a flatbed. Agreed? 17 A. Yes. 18 Q. Did you review these 19 photographs as part of your work in this 20 case? 21 A. Yes. 22 Q. Do you know who took these 23 photographs? 24 A. No.</p>	<p style="text-align: right;">Page 69</p> <p>1 A. Yes. 2 Q. Do you agree that that shows 3 that the coupler hand wheel was in the fully 4 loosened position as it sat there on the 5 flatbed truck? 6 A. No. 7 Q. Okay. Do you know what that 8 shows? 9 A. What this photograph shows? 10 Q. Other than -- no. Do you know 11 what is proven by the fact that the nut is 12 contacting or in close proximity to that 13 roll pin? 14 A. No. 15 Q. Now, if we go to another 16 photograph that you've got a little yellow 17 highlight on that I'm going to circle, does 18 that photograph show the markings caused by 19 the latch tang? 20 A. I believe he's showing these 21 markings that are along the bottom of the 22 hand wheel that he's saying are made from 23 the latch tang or the dog switch. 24 Q. Do you know whether those</p>

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<p>1 markings are made by the latch tang or the 2 dog switch? 3 A. They are, yes. 4 Q. Okay. 5 A. It clicks into place and it 6 scuffs it as it's turned. 7 Q. Do you agree that those 8 markings are uniform -- are at a uniform 9 height? 10 A. Yes. 11 Q. Do you agree that those 12 markings being at a uniform height indicate 13 that the hand wheel latch and coupler spring 14 are operational and undamaged? 15 A. No. 16 Q. Okay. Are you able to draw 17 any conclusion from the fact that those 18 markings are at a uniform height? 19 A. No. 20 Q. And that's because you don't 21 have prior experience with this coupler 22 mechanism? 23 A. And design experience. 24 Q. Okay. So you agree that the</p>	<p>1 this case that we haven't discussed? 2 A. No. 3 Q. I know the answer to this, but 4 I've got to ask it to make sure my record is 5 clear. You haven't designed anything as 6 part of your work in this case, correct? 7 A. No. 8 Q. What I said is correct? 9 A. Oh, yes. 10 Q. Okay. And you haven't 11 designed or developed or written any 12 alternative warnings or instructions that 13 could or should have been used with this 14 trailer rental, correct? 15 A. Correct. 16 Q. I'd asked you early in the 17 deposition whether you'd ever designed 18 anything, and you answered that you hadn't. 19 Have you ever been involved in the design 20 process? 21 A. Of... 22 Q. Of a product. 23 A. Yes. 24 Q. And you agree there is a whole</p>
Page 71	Page 73
<p>1 fact that those markings are at a uniform 2 height may indeed indicate that the hand 3 wheel latch and coupler spring were 4 operational and undamaged? 5 MR. LANDON: Objection. 6 THE WITNESS: They were 7 operational and appear at a time 8 that this unit was in service, yes. 9 BY MR. LOCOCO: 10 Q. Okay. Are you able to draw 11 the conclusion -- the further conclusion 12 from the height of the markings that those 13 are consistent with that of a coupler with 14 new components? 15 A. No. 16 Q. And again, that's because you 17 don't have any experience with this coupler? 18 A. Plus, the visual looking at 19 this hand wheel doesn't appear to be a new 20 component. Is that what he's talking about? 21 Q. I guess we'll have to ask him. 22 A. Yeah. 23 Q. Have you formed any other 24 opinions in connection with your work in</p>	<p>1 process that's involved when you're 2 designing a piece of equipment or any kind 3 of product? 4 A. Yes. 5 Q. And I'm not an engineer. I've 6 got a philosophy degree, so I won't get all 7 the parts of the design process right, but I 8 want to see whether you and I can agree on 9 certain parts of that design process. Do 10 you agree that there's a concept phase where 11 some body or people come up with a design 12 concept? 13 A. Yes. 14 Q. You do some preliminary design 15 work, and it used to be drawings, now it's 16 probably computer drawings, but you put 17 pencil or pen to paper. Correct? 18 A. Correct. 19 Q. At some point, one of the 20 parts of that process is to come up with a 21 prototype of a design. 22 A. That's correct. 23 Q. You probably do some field 24 testing at some point.</p>

19 (Pages 70 to 73)

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<p>1 A. Yes.</p> <p>2 Q. Maybe some lab testing?</p> <p>3 A. Yes.</p> <p>4 Q. You get feedback from the</p> <p>5 field testing and the lab testing that will</p> <p>6 help you make revisions to the design.</p> <p>7 A. Yes.</p> <p>8 Q. And those components of the</p> <p>9 design process you have not worked on or</p> <p>10 engaged in, in this case, correct?</p> <p>11 A. No.</p> <p>12 Q. I want you to assume for a</p> <p>13 moment that Mr. Landon said that he had an</p> <p>14 American Express card with absolutely no</p> <p>15 limit; you could do anything else you wanted</p> <p>16 to in this case to get ready for trial. Is</p> <p>17 there anything else that you would put on</p> <p>18 that list?</p> <p>19 A. I would probably take apart</p> <p>20 the mechanism.</p> <p>21 Q. The coupler mechanism?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Is that a yes?</p> <p>24 A. Yes. Sorry.</p>	<p>1 might be able to get those billing records</p> <p>2 and the Rule 26 list to Mr. Landon?</p> <p>3 A. Tomorrow.</p> <p>4 Q. Okay.</p> <p>5 A. It's in a PDF format, so he</p> <p>6 can just forward it to you.</p> <p>7 Do you want the initial</p> <p>8 contact with Mr. DiLiberto, too?</p> <p>9 Q. Yes. Anything you have from</p> <p>10 your time with -- on this matter, I don't</p> <p>11 care whether it was Mr. DiLiberto or Mr.</p> <p>12 Landon, I would like to get, please. All</p> <p>13 right?</p> <p>14 A. That's fine.</p> <p>15 Q. Are there any drafts of your</p> <p>16 report?</p> <p>17 A. No.</p> <p>18 Q. When you prepare a report,</p> <p>19 what's the process? Do you hand write --</p> <p>20 write it in longhand, do it on a computer?</p> <p>21 A. Do it on a computer.</p> <p>22 Q. Did anyone edit your report?</p> <p>23 A. No.</p> <p>24 Q. Did Mr. Landon see it before</p>
Page 75	Page 77
<p>1 Q. Anything else?</p> <p>2 A. Not that I can think of.</p> <p>3 Q. Is there any reason why you</p> <p>4 haven't done it to date?</p> <p>5 A. No.</p> <p>6 Q. And why would you want to take</p> <p>7 apart the coupler mechanism?</p> <p>8 A. To have a thorough</p> <p>9 understanding of the coupler mechanism.</p> <p>10 Like any component, unless you really take</p> <p>11 it apart -- hopefully, we'll get more</p> <p>12 knowledge to it.</p> <p>13 Q. Would you agree that you</p> <p>14 currently have an incomplete understanding</p> <p>15 of the coupler mechanism?</p> <p>16 MR. LANDON: Objection.</p> <p>17 THE WITNESS: I don't know</p> <p>18 until I take it apart.</p> <p>19 BY MR. LOCOCO:</p> <p>20 Q. Well, if you do that or</p> <p>21 anything else, would you let Mr. Landon know</p> <p>22 so he can tell me about that?</p> <p>23 A. Absolutely.</p> <p>24 Q. And when do you think you</p>	<p>1 you finalized it?</p> <p>2 A. Yes.</p> <p>3 Q. Did he make any suggested</p> <p>4 changes?</p> <p>5 A. No.</p> <p>6 Q. How did he see it? Did you</p> <p>7 send it by e-mail?</p> <p>8 A. I send drafts in a PDF format</p> <p>9 so they can read it.</p> <p>10 Q. But they can't change it?</p> <p>11 A. They can't change it.</p> <p>12 Q. Do you have any other</p> <p>13 correspondence with Mr. Landon that isn't</p> <p>14 here today, other than your billing records?</p> <p>15 A. No.</p> <p>16 Q. We talked generally about Mr.</p> <p>17 Leonard's report and I asked you some</p> <p>18 specific questions. When I looked at your</p> <p>19 copy in your file, you had some highlighting</p> <p>20 in there. Is there anything that we haven't</p> <p>21 discussed that you specifically disagree</p> <p>22 with in his report?</p> <p>23 A. Not to my knowledge, no.</p> <p>24 Q. You have no criticisms of Ms.</p>

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<p style="text-align: right;">Page 78</p> <p>1 Echevarria's conduct, correct?</p> <p>2 A. No.</p> <p>3 MR. LOCOCO: Okay. Subject to</p> <p>4 follow-up questions based on the</p> <p>5 materials you're still going to</p> <p>6 provide me, I don't have any further</p> <p>7 questions at this time. Thanks very</p> <p>8 much for coming down. I appreciate</p> <p>9 your time.</p> <p>10 THE WITNESS: Thank you.</p> <p>11 MR. LOCOCO: I should say, for</p> <p>12 the record, I did give you a check</p> <p>13 before we started today for \$700,</p> <p>14 which is your retainer for giving</p> <p>15 testimony. Correct?</p> <p>16 THE WITNESS: Correct.</p> <p>17 MR. LOCOCO: Thank you.</p> <p>18 THE WITNESS: Do you want</p> <p>19 color copies?</p> <p>20 MR. LOCOCO: Yes, I do want</p> <p>21 color copies of those photographs,</p> <p>22 please.</p> <p>23 MR. LOGULLO: I don't have any</p> <p>24 questions.</p>	<p style="text-align: right;">Page 80</p> <p>1 tightening down the trailer. I</p> <p>2 think that knowledge would somehow</p> <p>3 draw a conclusion that it may detach</p> <p>4 somewhere during the movement of the</p> <p>5 vehicle, if the trailer hitch is</p> <p>6 loosening.</p> <p>7 BY MR. PEARCE:</p> <p>8 Q. Do you have any idea as to the</p> <p>9 degree in which the coupler was loosening</p> <p>10 when Mr. Mayfield was tightening it down?</p> <p>11 A. No.</p> <p>12 Q. What basis do you have that</p> <p>13 Mr. -- other than what you've already said,</p> <p>14 that Mr. Mayfield knew or should have known</p> <p>15 that that problem would lead to the trailer</p> <p>16 coming loose or detaching?</p> <p>17 A. It's just my opinion.</p> <p>18 Q. Any other facts you're basing</p> <p>19 it on?</p> <p>20 A. No.</p> <p>21 Q. I think you agreed, and</p> <p>22 correct me if I'm wrong, with one of Mr.</p> <p>23 LoCoco's statements that Mr. Mayfield could</p> <p>24 have gotten the coupler repaired when he</p>
<p style="text-align: right;">Page 79</p> <p>1 MR. PEARCE: I have a couple.</p> <p>2 - - -</p> <p>3 EXAMINATION</p> <p>4 - - -</p> <p>5 BY MR. PEARCE:</p> <p>6 Q. With regard to Mr. Mayfield's</p> <p>7 negligence, I think what you did say, and</p> <p>8 correct me if I'm misunderstanding, that he</p> <p>9 had the ability or the opportunity to not</p> <p>10 use the vehicle once he became aware that</p> <p>11 the coupler mechanism was coming loose. Is</p> <p>12 that -- did I understand it correctly?</p> <p>13 A. Yes.</p> <p>14 Q. Would you agree that that</p> <p>15 would mean -- would have to mean that in</p> <p>16 order for Mr. Mayfield to be negligent, he</p> <p>17 knew that -- knew or should have known that</p> <p>18 that problem could result in the trailer</p> <p>19 detaching from the truck?</p> <p>20 MR. LOCOCO: Object to the</p> <p>21 form.</p> <p>22 THE WITNESS: I believe his</p> <p>23 statement was, he felt the trailer</p> <p>24 was loosening and he had to keep</p>	<p style="text-align: right;">Page 81</p> <p>1 became aware that it was coming loose. Did</p> <p>2 you agree with that or did you disagree with</p> <p>3 that?</p> <p>4 A. I think the question was, did</p> <p>5 he have an opportunity to stop and get it</p> <p>6 fixed at a local U-Haul, and my answer would</p> <p>7 be, I guess he would have the opportunity.</p> <p>8 Q. Did you have an understanding</p> <p>9 as to whether or not he called or had the</p> <p>10 thing looked at by U-Haul?</p> <p>11 A. Yes, he did, during the course</p> <p>12 of his operation, I believe.</p> <p>13 Q. And if he did that, would you</p> <p>14 agree that he would not be negligent in that</p> <p>15 respect?</p> <p>16 MR. LOCOCO: Object to the</p> <p>17 form.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MR. PEARCE:</p> <p>20 Q. You agree with that?</p> <p>21 A. Can you repeat the question?</p> <p>22 Q. If he did do that, that is,</p> <p>23 call U-Haul and explain the problem and/or</p> <p>24 have them look at the problem and they did</p>

21 (Pages 78 to 81)

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<p>1 whatever it is that they did, would you 2 agree that he was not negligent in that 3 respect? 4 A. Yes. 5 Q. Are there any other manners in 6 which you believe that Mr. Mayfield was 7 negligent? 8 A. No. 9 MR. PEARCE: Thank you. I 10 have nothing further. 11 MR. LOCOCO: I've got a few 12 follow-up questions. 13 - - - 14 RE-EXAMINATION 15 - - - 16 BY MR. LOCOCO: 17 Q. You said -- I just want to 18 keep entities clear here. You said it's 19 your understanding that Mr. Mayfield at 20 least testified that he stopped somewhere 21 and had some U-Haul entity look at this 22 coupler. Correct? 23 A. That's what he testified to, 24 yes.</p>	<p>1 some U-Haul entity in North Carolina looked 2 at that same mechanism and let him on his 3 way and didn't see anything wrong with it? 4 A. I believe his testimony was, 5 they tightened it down and told him he was 6 okay and keep going. 7 Q. So the people in Florida got 8 it wrong and the people in North Carolina 9 got it wrong? 10 A. Yes. 11 Q. That's your opinion? 12 A. Yes. 13 Q. Or it was working fine and he 14 never tightened it himself after he put it 15 back together, correct? 16 A. Well, it wasn't disconnected 17 from the time he said he had it looked at 18 again for the second time. He drove it up 19 to Newark and I believe he testified he 20 disconnected it in Newark and drove it down 21 to Delaware, and that's when the accident 22 happened. So if they properly tightened it 23 down in -- somewhere during his course of 24 travel before the accident, the accident</p>
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<p>1 Q. All right. Do you know 2 whether it was a dealer, a center? 3 A. I'd have to look back on his 4 deposition. I don't recall. I recall him 5 saying he looked up a U-Haul phone number in 6 the phone book, so someone who is associated 7 with U-Haul. I'm not sure if it was a 8 service center or where it was located. 9 Q. Okay. So sitting here today, 10 you don't know, even assuming that happened, 11 that he talked to anybody who's a party in 12 this case? 13 A. That's correct. 14 Q. Okay. Do you believe him when 15 he says he stopped? Are you crediting his 16 testimony that he stopped and had some 17 U-Haul entity look at this coupler? 18 A. Yes. 19 Q. So what you're telling us 20 today is that the people at U-Haul in 21 Florida sent out a coupler mechanism that 22 wasn't working properly. Correct? 23 A. Correct. 24 Q. And that people at U-Haul --</p>	<p>1 would have never happened, if it wasn't a 2 problem with the mechanism itself. He'd 3 have to disconnect it again. 4 Q. And not tighten it. 5 A. And not tighten it. 6 Q. And not get the safety chains 7 on properly. 8 A. He would have to make it from 9 North Jersey to Delaware, not having it 10 properly attached. 11 Q. Either by the chains -- with 12 the coupler and the chains? 13 A. Yes. 14 MR. LOCOCO: That's all I 15 have. Thank you. 16 THE WITNESS: Thank you. 17 MR. LANDON: We will read. 18 - - - 19 (Discussion held off the record.) 20 - - - 21 COURT REPORTER: So you want 22 at least a rough draft by Tuesday? 23 MR. LOCOCO: Yes, and then a 24 final as soon as you can.</p>

22 (Pages 82 to 85)

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## Frank M. Costanzo

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1	COURT REPORTER: Does	1	INSTRUCTIONS TO WITNESS
2	everybody else need a copy of this?	2	
3	MR. LANDON: Yes.	3	Please read your deposition
4	MR. LOGULLO: Yes.	4	over carefully and make any necessary
5	MR. PEARCE: Yes.	5	corrections. You should state the reason in
6	- - -	6	the appropriate space on the errata sheet
7	(Witness excused.)	7	for any corrections that are made.
8	- - -	8	After doing so, please sign
9	(Deposition concluded at 4:55	9	the errata sheet and date it.
10	p.m.)	10	You are signing same subject
11		11	to the changes you have noted on the errata
12		12	sheet, which will be attached to your
13		13	deposition.
14		14	It is imperative that you
15		15	return the original errata sheet to the
16		16	deposing attorney within thirty (30) days of
17		17	receipt of the deposition transcript by you.
18		18	If you fail to do so, the deposition
19		19	transcript may be deemed to be accurate and
20		20	may be used in court.
21		21	
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24		24	
Page 87		Page 89	
1	CERTIFICATE	1	-----
2		2	ERRATA
3		3	-----
4		4	PAGE LINE CHANGE
5	I HEREBY CERTIFY that the	5	_____
6	witness was duly sworn by me and that the	6	_____
7	deposition is a true record of the testimony	7	_____
8	given by the witness.	8	_____
9		9	_____
10	It was requested before	10	_____
11	completion of the deposition that the	11	_____
12	witness, FRANK M. COSTANZO, have the	12	_____
13	opportunity to read and sign the deposition	13	_____
14	transcript.	14	_____
15		15	_____
16	_____	16	_____
17	Shenna M. Basyo-Cara	17	_____
18		18	_____
19	Delaware Certified Shorthand	19	_____
20	Reporter and Notary Public in the	20	_____
21	State of Delaware	21	_____
22	DE Certification No. 167-PS	22	_____
23	Dated: January 30, 2007	23	_____
24		24	_____
1	(The foregoing certification		
2	of this transcript does not apply to any		
3	reproduction of the same by any means,		
4	unless under the direct control and/or		
5	supervision of the certifying reporter.)		

23 (Pages 86 to 89)

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## ACKNOWLEDGMENT OF DEPONENT

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2  
3 I, \_\_\_\_\_, do  
4 hereby certify that I have read the  
5 foregoing pages, 1 - 87, and that the same  
6 is a correct transcription of the answers  
7 given by me to the questions therein  
8 propounded, except for the corrections or  
9 changes in form or substance, if any, noted  
10 in the attached Errata Sheet.  
11  
12  
13 \_\_\_\_\_

14 Frank M. Costanzo DATE  
15  
16  
17

18 Subscribed and sworn  
19 to before me this

19 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

20 My commission expires: \_\_\_\_\_  
21

22 \_\_\_\_\_  
23 Notary Public  
24

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## LAWYER'S NOTES

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24 (Pages 90 to 91)

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